

RECORD OF VOTES

Senators Washington, Glasgow and Santiesteban asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 5 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parmer, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Glasgow, Parker, Santiesteban, Washington.

Absent-excused: Sims.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

CONGRATULATORY RESOLUTION

S.R. 45 - By Barrientos: Extending congratulations to Mr. and Mrs. R. A. Patton.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:10 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

TWELFTH DAY

(Wednesday, January 30, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore Farabee.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sharp, Sims.

A quorum was announced present.

Colonel James Irwin, former Astronaut and President of High Flight Foundation, offered the invocation as follows:

Thank You, Lord, for this day, a new day in each of our lives. Prepare us now for what You would have us do, and Lord, I want to pray for the Senators of Texas and their staff that You would really bless them and give them clear direction and wisdom to deal with the problems, the challenges, give them new vision, a new perspective and truly, a new appreciation not only for the State of Texas, but for our country and for this blue planet, Earth, that the work that they do would indeed have far-reaching effects.

We don't understand Your greatness, we don't even completely understand Your love, but we just acknowledge that and the way You want to work in our lives.

Thank You that we can be together, that we can be alive in You. I pray in the Name of Jesus Christ. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Jones.

Senator Sharp was granted leave of absence for today on account of inclement weather on motion of Senator Traeger.

MESSAGE FROM THE HOUSE

House Chamber
January 30, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 39, Granting each house permission to adjourn for more than three days beginning with adjournment on Wednesday, January 30, 1985, and ending on Monday, February 4, 1985.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 226

S.B. 165

Senator Parker submitted the following report for the Committee on Education:

S.B. 141

Senator Howard submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the PUBLIC UTILITY COMMISSION OF TEXAS: Dennis L. Thomas, Travis County.

To be ASSOCIATE JUSTICE, 13th COURT OF APPEALS: J. Bonner Dorsey, Nueces County.

To be a Member of the BOARD OF PARDONS AND PAROLES: Judge Wendell A. Odom, Harris County.

To be JUDGE OF CRIMINAL DISTRICT COURT NO. 4, TARRANT COUNTY: Joe Drago III, Tarrant County.

To be a Member of the HOSPITAL LICENSING ADVISORY COUNCIL: Fred J. Farner, Harris County.

To be a Member of the TEXAS HOUSING AGENCY: Katherine Crumley, San Jacinto County.

To be a Member of the TEXAS ADVISORY BOARD OF OCCUPATIONAL THERAPY EXAMINERS: Donald S. Thomas, Travis County.

To be a Member of the GOVERNOR'S COMMISSION ON PHYSICAL FITNESS: Neal Spelce, Travis County.

To be Members of the STATE RURAL MEDICAL EDUCATION BOARD: Richard M. Hall, D.O., Concho County; Billie Marie Veach, Burnet County.

To be Members of the TEACHERS' PROFESSIONAL PRACTICES COMMISSION: Dr. Andy Nutt, Panola County; Jeretta Thompson, Panola County; Edward Wilson, Taylor County.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 292 by Traeger Jurisprudence
Relating to costs incurred in the defense of certain claims for pecuniary damages in civil actions and the awarding of those costs by the court.

S.B. 293 by Traeger Education
Relating to Laredo State University.

S.B. 294 by Mauzy Jurisprudence
Relating to a defense to prosecution for criminal trespass.

S.B. 295 by Traeger Economic Development
Relating to insurance coverage for employees of state colleges and universities.

S.B. 296 by Blake Intergovernmental Relations
Relating to the notice required for the revision of a subdivision plat.

S.B. 297 by Traeger State Affairs
Relating to the service of alcoholic beverages by a private club in a hotel.

S.B. 298 by Parmer Health and Human Resources
Relating to the definition of a motor bus company for purposes of regulation by the Railroad Commission of Texas.

S.B. 299 by Harris Economic Development
Relating to the regulation and taxation of bingo games.

S.B. 300 by Sarpalius Health and Human Resources
Relating to the operation and continuation of the Texas Advisory Board of Occupational Therapy.

S.B. 301 by Barrientos State Affairs
Relating to the lease of certain state-owned land by the Texas Board of Mental Health and Mental Retardation for use by the Austin-Travis County Mental Health Mental Retardation Center.

S.B. 302 by Brown Health and Human Resources
Relating to confidentiality of mental health information and to the offense of illegal disclosure of mental health information; providing a penalty.

S.B. 303 by Truan Economic Development
Relating to the authority of the comptroller of public accounts under the Bingo Enabling Act to obtain criminal history record information from the Department of Public Safety, the Federal Bureau of Investigation identification division, or other law enforcement agency, and to the offense of unauthorized disclosure of criminal history information records; providing a penalty.

S.B. 304 by Truan Economic Development
Relating to the regulation and taxation of bingo games.

S.B. 305 by Jones, Brooks Health and Human Resources
Relating to the regulation of dispensing opticians; providing a penalty.

S.B. 306 by Jones Finance
Relating to reports required from entities to which the legislature appropriates money.

S.B. 307 by Williams Intergovernmental Relations
Relating to the appointment of magistrates for certain district courts in Harris County.

S.B. 308 by Lyon State Affairs
Relating to the improvement of economy and efficiency in state government.

S.B. 309 by Mauzy Intergovernmental Relations
Relating to the jurisdiction of the county courts at law in Dallas County.

S.B. 310 by Brown Jurisprudence
Relating to the unlawful transfer of an illegal knife to a person younger than 18 years old.

S.B. 311 by Howard Criminal Justice
Relating to the continued effect of laws relating to the interception and use of wire or oral communications.

S.C.R. 33 by Blake Intergovernmental Relations
Declaring the Official Logo for the Texas Sesquicentennial to be "Sabine County-Birthplace of Texas."

S.R. 59 by Blake Administration
Providing for appointment of Subcommittee on Urban Affairs within Intergovernmental Relations Committee and Subcommittee on Elections within State Affairs Committee, 69th Legislature.

CO-AUTHOR OF SENATE BILL 176

On motion of Senator Caperton and by unanimous consent, Senator Whitmire will be shown as Co-author of **S.B. 176**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 9

On motion of Senator Williams and by unanimous consent, Senators Barrientos, Brown, Edwards, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, Montford, Parker, Parmer, Santiestaban, Sarpalius, Sharp, Traeger, Truan, Washington and Whitmire will be shown as Co-authors of **S.J.R. 9**.

(President in Chair)

HOUSE CONCURRENT RESOLUTION 39

The President laid before the Senate the following resolution:

H.C.R. 39, Granting each house permission to adjourn for more than three days beginning with adjournment on Wednesday, January 30, 1985, and ending on Monday, February 4, 1985.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
January 19, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES:

For a term to expire January 31, 1991:

MRS. WINONA WILSON MILES
7204 Marywood Circle
Austin, Texas 78723

(Mrs. Miles is being reappointed.)

Respectfully submitted,

/s/Mark White
Governor of Texas

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 13

S.C.R. 15

S.C.R. 29

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATOR ANNOUNCED PRESENT

Senator Sharp who had previously been recorded as "Absent-excused" was announced "Present".

SENATE BILL 88 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 88, Relating to the reimbursement of jurors for travel and other expenses.

The bill was read second time and was passed to engrossment.

SENATE BILL 88 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 88** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

COMMITTEE SUBSTITUTE SENATE BILL 68 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 68, Relating to the investment of state funds.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 68 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 68** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 150 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 150, Relating to the declaration of Texas Sesquicentennial Day as a holiday.

The bill was read second time and was passed to engrossment.

SENATE BILL 150 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 150** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 163 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 163, Relating to the designated agent of a practitioner; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 163 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 163** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 71 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 71, Relating to the renewal fee for a license to operate a youth camp.

The bill was read second time and was passed to engrossment.

SENATE BILL 71 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 71** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 228 ON SECOND READING

Senator Henderson asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take up for consideration at this time:

S.B. 228, Relating to the regulation of certain carriers of currency and similar items.

There was objection.

Senator Henderson then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up **S.B. 228** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Truan.

Absent-excused: Sims.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Amend **S.B. 228** by striking present section (c) on page 1, line 20 and re-lettering the following sections accordingly.

The amendment was read and was adopted.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 228 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 228** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

MEMORIAL RESOLUTIONS

S.R. 48 - By Montford: Memorial resolution for Burton S. Burks, Sr.

S.R. 49 - By Montford: Memorial resolution for Dr. John P. Ray, Jr.

S.R. 50 - By Montford: Memorial resolution for Jim Farmer.

S.R. 51 - By Montford: Memorial resolution for L. E. "Jack" Davis.

S.R. 52 - By Montford: Memorial resolution for Dr. James T. Hall.

- S.R. 53 - By Montford: Memorial resolution for Lee C. O'Neil.
S.R. 54 - By Montford: Memorial resolution for R. W. Matthews.
S.R. 57 - By Brooks: Memorial resolution for Mrs. Maggie K. Winston.
S.R. 60 - By Farabee: Memorial resolution for Beverly W. King, Jr.
S.R. 62 - By Farabee: Memorial resolution for Alvin R. Hill.
S.R. 63 - By Glasgow: Memorial resolution for Michael Sims.
S.R. 64 - By Glasgow: Memorial resolution for John W. Tyson.
S.R. 65 - By Glasgow: Memorial resolution for Edgar Jay Reed.
S.R. 66 - By Glasgow: Memorial resolution for J. L. "Leo" Jenson.
S.R. 67 - By Glasgow: Memorial resolution for Mrs. Doris Murray Rawland.
S.R. 68 - By Glasgow: Memorial resolution for Cecil R. Young.
S.R. 69 - By Glasgow: Memorial resolution for C. J. Taylor, Jr.
S.R. 70 - By Glasgow: Memorial resolution for Marshall Brandon Nash.
S.R. 71 - By Glasgow: Memorial resolution for Mrs. Jane Butler Woolsey.
S.R. 72 - By Glasgow: Memorial resolution for Curtis L. Walker.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 46 - By Sharp: Extending welcome to Dr. David Watson, Capitol Physician for the Day.

S.R. 55 - By Blake: Commending Capitol Police Officer Dennis Deel.

S.R. 56 - By Harris: Extending welcome to a group of citizens from Collin County.

S.R. 58 - By Brooks: Extending congratulations to Tommy and Robert Hamby and the Hamby family on the 50th anniversary of the Hoffbrau.

S.R. 61 - By Farabee: Expressing appreciation to Max Kreutz, Minister of Music, First Presbyterian Church of Wichita Falls.

S.R. 73 - By Glasgow: Extending welcome to a delegation from the Denton State School.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:45 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(January 30, 1985)

S.C.R. 26

**In Memory
of
James W. McGrew**

Senator Jones offered the following resolution:

(Senate Resolution 47)

WHEREAS, The State of Texas lost an outstanding public servant with the death of former Executive Director and Vice President of the Texas Research League, James W. McGrew, who died November 24, 1984; and

WHEREAS, A native of Atlantic City, New Jersey, Mr. McGrew was a widely respected authority in the field of local and state government; and

WHEREAS, Named Executive Director of the Texas Research League in 1970, Mr. McGrew began his distinguished career with the league staff in 1955 as Director of Research; under his expert guidance and care the league completed 80 major studies, including one which led to the reorganization of the Texas Department of Public Safety; and

WHEREAS, A recognized expert on state and local taxation, Mr. McGrew was instrumental in drafting the legislation creating the 1961 Texas sales tax; and

WHEREAS, Author of several reports and articles on state and local taxation, Mr. McGrew served on the Advisory Committee to the Texas Legislative Council's Property Tax Committee and the United States Census Bureau's Advisory Committee on State and Local Government Statistics; and

WHEREAS, An advisor to six governors, Mr. McGrew headed research projects on state and local taxation for several legislative committees from 1957 until 1973; and

WHEREAS, Acknowledged by his colleagues as an outstanding professional, Mr. McGrew leaves behind a legacy of excellence in research and dedication to good government that will remain unequalled; and

WHEREAS, Retired from full-time duty with the league in 1982, Mr. McGrew continued to serve as a valued staff consultant; and

WHEREAS, A concerned and active resident of Austin, Mr. McGrew was involved with numerous civic organizations and had been honored with the B. Iden Payne Special Honoree Award for his work with the Zachary Scott Theatre; and

WHEREAS, His manifold contributions to his community and state are far-reaching and his influence will continue to bear fruit in the years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, hereby pay tribute to the memory of this outstanding public servant and express condolences to his wife, Jessie; his son, Brad; and his two daughters, Leah and Patty; and, be it further

RESOLVED, That copies of this Resolution be prepared under the seal of the Senate for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of James W. McGrew.

JONES
FARABEE

The resolution was read.

On motion of Senator Howard and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.